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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 ISAAC PALI KONA JR.,)

11 Defendant.)

Case No. CR03-292 MJP

**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE**

12 INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on August 13,
14 2008. The defendant appeared following his arrest. The United States was represented by Brian
15 Werner, and defendant was represented by Peter Mazzone. Also present was U.S. Probation
16 Officer Patrick Robertson. The proceedings were digitally recorded.

17 CONVICTION AND SENTENCE

18 Defendant was sentenced on March 17, 2004 by the Honorable Marsha J. Pechman for
19 unlawful possession of a firearm. He received 21 months of imprisonment and two years of
20 supervised release.

21 PRIOR VIOLATIONS OR MODIFICATIONS

22 Defendant began his term of supervised release on October 17, 2005. On November 4,
23 2005, the probation office submitted a report to the Court that defendant had used drugs at a

PROPOSED FINDINGS OF FACT AND
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SUPERVISED RELEASE -1

1 party. The Court approved the request for no action. On July 20, 2006, a violation report and
2 warrant was submitted alleging defendant had consumed drugs on multiple occasions. The
3 defendant was arrested pursuant to that warrant and admitted the violations. On August 17, 2006,
4 defendant was sentenced to 13 days in custody, followed by 23 months of supervised release.

5 On October 6, 2006, a violation report and warrant was submitted alleging that defendant
6 was using drugs. Defendant admitted the violation and was granted a delayed disposition to
7 prove to the court he could follow the conditions of supervised release. The disposition hearing
8 was canceled as it appeared defendant was following all conditions of supervision.

9 On October 9, 2007, a violation report and request for summons was submitted alleging
10 that defendant had committed the crime of theft, had failed to be truthful to the probation office,
11 and had left the judicial district without permission. Defendant admitted the violations and on
12 February 8, 2008, defendant's conditions of supervision were modified to require participation in
13 the home confinement program for up to 120 days, and participation and successfully completion
14 the moral reconnection therapy program.

15 PRESENTLY ALLEGED VIOLATION AND
16 DEFENDANT'S ADMISSION OF THE VIOLATION

17 In a petition dated July 7, 2008, Supervising U.S. Probation Officer Angela McGlynn
18 alleged that defendant violated the following condition of supervised release:

- 19 1. Consuming alcohol on July 1, 2008, in violation of the special condition prohibiting
20 defendant from consuming alcohol.
- 21 2. Failing to participate in the moral reconnection therapy program on June 25, 2008, in
22 violation of the special condition requiring the defendant to participate in and complete that
23 program.

1 Defendant admitted the above violations, waived any hearing as to whether they occurred,
2 and was informed that the matter would be set for a disposition hearing before District Judge
3 Marsha J. Pechman.

4 RECOMMENDED FINDINGS AND CONCLUSIONS

5 Based upon the foregoing, I recommend the Court find that defendant has violated the
6 conditions of his supervised release as alleged above, and conduct a disposition hearing. The
7 defendant contested detention. Based on defendant's performance on supervised release, prior
8 violations, the reason for detention set forth by supervising officer McGlynn, defendant was
9 ordered detained pending disposition.

10 DATED this 13th day of August, 2008.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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